

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Anthony C. Vitale, Sr.,	:	
Plaintiff	:	Civil Action 2:13-cv-00232
v.	:	
Ohio Department of Rehabilitation and Correction, <i>et al.</i> ,	:	Magistrate Judge Abel
Defendants	:	

**ORDER**

Plaintiff has failed to file proof of service of the summons and complaint on defendants John Doe 1-5 within 120 days after filing the complaint. Accordingly, the Clerk of Court is **DIRECTED** to enter **JUDGMENT** dismissing John Does 1-5, without prejudice, under Rule 4(m), Fed. R. Civil. P. for failure to obtain service on defendant them.

On July 22, 2013 plaintiff voluntarily dismissed the Ohio Department of Rehabilitation and Correction and defendant Warden Miller in her official capacity without prejudice. *See* doc. 12. On November 20, 2013, the Court dismissed plaintiff's claim against defendant Warden Miller in her individual capacity with prejudice. *See* doc. 23.

The Clerk of Court is **DIRECTED** to enter **JUDGMENT** for defendants and close this case.

s/Mark R. Abel  
United States Magistrate Judge